

Active Cases:

## Ex. 5 Deliberative Process (DP)

6. *NRDC et al v EPA*, Civil Action No. 16-1861 (JDB) (District Court Vacates EPA's Approval of Trash TMDL for the Anacostia River on March 30, 2018) Working with DC and MD on redo; court has not yet issued a judgment; EPA is required to submit status reports every six months or so.

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## Inactive/Stayed Cases

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## Recent Decisions/Case conclusions

- **EAB upheld EPA's Decision to Issue UIC Permits to Penneco Environmental Solutions, (PA) (9/3/18)** Is Board (EAB)
- ***Latrobe Specialty Metals Co., LLC v. EPA (W.D. PA)* (Kiski-Conemaugh TMDL)** (Dismissed by Plaintiff August 2018 – **Ex. 5 Deliberative Process (DP)**)
- **DC Permit – reissuance in June 2018 not appealed (for the first time since 2000)**
- **DC MS4 Permit - reissuance in June 2018 not appealed (for the first time ever)**
- ***OVEC v. Fola Coal Company* (EPA files amicus brief) ([ SEQ CHAPTER \h \r 1])**In a unanimous decision, a panel of the U.S. Court of Appeals for the Fourth Circuit in 2017 upheld the ruling of a district court finding in favor of citizen groups suing to enforce a narrative provision of Fola's NPDES permit requiring compliance with water quality standards.)
- ***District of Columbia Water & Sewer Authority v. McCarthy*, (DC Water challenge to Potomac bacteria TMDL) – Stipulation of dismissal without prejudice filed 3/13/17.**

## Actions in the near term where EPA has reasonable expectation of Litigation

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